

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

PETER PEDERSEN,

Plaintiff,

v.

ZOHO CORPORATION,

Defendant.

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Civil Action No. 1:23-cv-00071-ADA

**NOTICE OF PLAINTIFF’S NON-OPPOSITION TO DEFENDANT ZOHO  
CORPORATION’S CROSS MOTION TO LIFT STAY AND  
REQUEST TO GRANT MOTION AS UNOPPOSED**

Pursuant to Local Rule CV-7(D)(2), Defendant Zoho Corporation (“Zoho”) submits this Notice of Non-Opposition to Zoho’s Cross-Motion to Lift Stay (D.I. 41) and requests the Court grant the Motion to Lift Stay as unopposed.

Zoho filed the cross-motion on June 26, 2024 along with its opposition to Mr. Zito’s motion to withdraw as counsel for Plaintiff. *See* D.I. 41. According to Local Rule CV-7(D)(2), Plaintiff Peter Pedersen’s (“Pedersen’s”) response was due on July 1, 2024 (seven days after the filing of a case management motion), but no response was filed. Because Pedersen failed to timely oppose the Cross-Motion to Lift Stay, Zoho asks the Court to grant the motion as unopposed. *See id.* (“If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed.”).

As briefed in Zoho’s cross-motion, the inter partes reviews that prompted the stay were resolved in May 2024 with a final written decision from the Patent Trial and Appeal Board finding the challenged claims invalid. D.I. 41 at 3-4; *see also* D.I. 39 at 1. And, other than

motions to withdraw as counsel, Plaintiff has taken no action in the case since May. As Zoho described in its cross-motion, this is another instance of dilatory conduct by Mr. Pedersen. Zoho is ready to move this case forward and reach the merits. Mr. Pedersen has had almost fourteen weeks to decide how it wishes to proceed; there is no prejudice to Plaintiff in moving the case forward at this time.

Because Plaintiff has failed to file a timely response and the reason for the stay is no longer active, Zoho requests that the Court grant its Cross-Motion to Lift Stay (D.I. 41) as unopposed and order Pedersen to file an amended complaint reciting which claims it intends to proceed upon by August 21, 2024 or dismiss the case. Zoho proposes that the date of the Amended Complaint be treated as the date of plaintiff's infringement contentions, after which the parties can proceed on this Court's typical schedule as outlined in the Order Governing Proceedings. A proposed schedule following the Court's current Order Governing Proceedings is attached as Exhibit A.

Dated: August 14, 2024

Respectfully submitted,

By: /s/ Ryan Marton  
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*Attorneys for Defendant Zoho Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing is being served on the counsel of record via the CM/ECF system on August 14, 2024.

By: /s/ Ryan J. Marton  
Ryan J. Marton